

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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SHELDON LOCKETT; MICHELLE
DAVIS; AND CLYDE DAVIS,

PLAINTIFFS,

VS.

NO. 18-CV-5838-PJW

COUNTY OF LOS ANGELES, A
PUBLIC ENTITY; LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT,
A LAW ENFORCEMENT AGENCY;
SHERIFF JIM MCDONNELL;
MIZRAIN ORREGO, A DEPUTY LOS
ANGELES COUNTY SHERIFF; AND
DOES 1 THROUGH 100,
INCLUSIVE,

DEFENDANTS.

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REMOTE VIDEOTAPED DEPOSITION OF
MIZRAIN ORREGO

FRIDAY, MAY 8, 2020

JOB NO. 4082830
REPORTED BY:
HOLLY THUMAN, CSR NO. 6834, RMR, CRR
PAGES 1-236

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1 MR. HURRELL: What's the question again? 11:15:05

2 BY MR. SWEENEY: 11:15:08

3 Q. Tell me about all tattoos on your body. 11:15:10

4 That's my question. 11:15:12

5 MR. HURRELL: Well, no. I don't think 11:15:14

6 you're allowed to ask that question. 11:15:15

7 MR. SWEENEY: Why? 11:15:19

8 MR. HURRELL: Well, I think you first have 11:15:20

9 to ask whether he has any other tattoos on his body 11:15:22

10 because the question assumes a fact not 11:15:25

11 established. 11:15:27

12 MR. SWEENEY: Okay. All right. 11:15:29

13 Q. So do you have -- let me rephrase the 11:15:32

14 question. 11:15:38

15 How many tattoos do you have on your body? 11:15:40

16 A. One. 11:15:44

17 MR. SWEENEY: That answers the question. 11:15:46

18 See, Mr. Hurrell? Okay. 11:15:48

19 Q. So we know that tattoo is on your leg. 11:15:57

20 Correct? 11:16:02

21 A. Yes. 11:16:02

22 Q. Is it on your right leg or your left leg? 11:16:02

23 A. My right leg. 11:16:05

24 Q. And that tattoo is the one that your 11:16:08

25 counsel sent over to Mr. Glickman this morning. 11:16:17

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1 Correct? 11:16:19

2 A. Yes. 11:16:20

3 Q. It's the same tattoo as your former 11:16:22

4 partner, Samuel Aldama. Correct? 11:16:27

5 A. Yes. 11:16:30

6 Q. And does it have a helmet with the "CPT" 11:16:32

7 inscription on it like Mr. Aldama's? 11:16:45

8 A. Yes. 11:16:49

9 Q. Does it have a skeleton with -- surrounded 11:16:50

10 by flames? 11:16:53

11 A. Yes. 11:16:55

12 Q. Is the skeleton holding a 11:16:57

13 Kalashnikov-style rifle? 11:17:02

14 A. Yes. 11:17:05

15 Q. On the magazine of the rifle, is there a 11:17:07

16 Roman numeral inscription "XXVIII"? 11:17:15

17 A. I believe so, sir. I need to -- I would 11:17:24

18 have to look at it; but yes, I would say yes. 11:17:26

19 Q. Yeah, well, that's 28 in Roman numerals. 11:17:29

20 Correct? 11:17:32

21 A. Correct. 11:17:33

22 Q. And do you know what substation Compton is 11:17:33

23 designated as in the County of Los Angeles, what 11:17:39

24 number? 11:17:43

25 A. 28, sir. 11:17:44

1 Q. Yeah. That's why the 28 is on there. 11:17:45

2 Correct? 11:17:48

3 A. No, sir. 11:17:51

4 Q. No? 11:17:53

5 Why is there "28" on there? 11:17:54

6 THE WITNESS: Can I speak to you? 11:17:59

7 (Witness and counsel confer briefly.) 11:18:00

8 THE WITNESS: Well, I'm sorry. 11:18:06

9 Can you repeat that last question again? 11:18:07

10 BY MR. SWEENEY: 11:18:09

11 Q. Why is that Roman numeral 28 on the 11:18:09

12 magazine of the skeleton's rifle? 11:18:12

13 A. Yes, 'cause that's the number for Compton 11:18:16

14 station. 11:18:18

15 Q. Okay. Now, on the stock of the gun, is 11:18:21

16 there a number? 11:18:31

17 A. No. 11:18:35

18 Q. When did you get that tattoo? 11:18:38

19 A. Approximately, I'll say, a year and a half 11:18:39

20 ago, two years ago. 11:18:45

21 Q. Give me the month and the year. 11:18:48

22 A. It was -- 11:18:51

23 MR. HURRELL: You can certainly give him 11:18:57

24 the year. 11:18:58

25 THE WITNESS: It was 2018, sir. 11:18:59

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1 BY MR. SWEENEY: 11:19:01

2 Q. What month? 11:19:03

3 A. I believe it was a summer month, sir. 11:19:08

4 Q. I'm going to give you a chance to answer 11:19:13

5 that question again. 11:19:15

6 Here's the question, another question: 11:19:17

7 Are you sure that you got that tattoo in 11:19:20

8 2018? 11:19:23

9 A. Yes. 11:19:27

10 Q. You're under oath, sir. 11:19:33

11 MR. HURRELL: He realizes that. 11:19:44

12 (Reporter requested clarification.) 11:19:49

13 BY MR. SWEENEY: 11:19:49

14 Q. Are you telling the truth, sir? 11:19:54

15 A. Yes. 11:19:56

16 Q. Before I get into the specifics of the -- 11:20:02

17 well, when you got it, where, and all that, let me 11:20:07

18 ask you: When you got the tattoo, was there a 11:20:13

19 number on the stock of the rifle? 11:20:22

20 A. No. 11:20:29

21 Q. When -- subsequent to you getting that 11:20:35

22 tattoo placed on, did you get a number placed on 11:20:41

23 that stock after you got the tattoo on? 11:20:47

24 A. No. 11:20:52

25 Q. At any time before this deposition -- that 11:21:01

1 the exact timing, sir. 11:46:18

2 Q. Okay. Where did you get your tattoo? 11:46:26

3 A. Vegas, sir. 11:46:37

4 Q. What's that? 11:46:38

5 A. In Vegas. 11:46:39

6 Q. In Las Vegas? 11:46:42

7 A. Yes. 11:46:43

8 Q. Is there a group of deputies -- or strike 11:46:43

9 that. 11:46:58

10 Was there, when you were a deputy there, a 11:47:00

11 group of deputies at the sheriff's station with 11:47:02

12 that tattoo? 11:47:05

13 A. I'm sorry. Can you repeat that question, 11:47:08

14 please, sir? 11:47:10

15 Q. Yes. Was there a group of deputies with 11:47:11

16 the same tattoo at the Compton station the same 11:47:15

17 time you were there? 11:47:19

18 A. It's possible, sir. 11:47:24

19 Q. And so you knew there was a group. 11:47:29

20 Correct? 11:47:31

21 A. Can you explain -- a group of what, sir? 11:47:35

22 Q. A group of deputies with a similar tattoo. 11:47:38

23 A. Well, sir, there's a lot of -- I mean, are 11:47:46

24 you talking about the same tattoo Aldama has, or -- 11:47:51

25 I'm not sure where you're going because in the 11:47:54

1 we weren't specifically looking for the gun -- for 14:13:34
2 the shooter of -- the GSV. We weren't there -- 14:13:38
3 that's what took us to the area, but that's not 14:13:44
4 exactly what we were doing. 14:13:46
5 Q. Oh, God. 14:13:49
6 What were you exactly doing, then? 14:13:49
7 A. Patrolling the neighborhood. 14:13:53
8 Q. For the suspect. Correct? 14:13:55
9 You can't separate the two, sir. You've 14:14:00
10 already said you heard the radio call, and you 14:14:02
11 decided to go to the rival gang area. 14:14:04
12 MR. ALTURA: This is Jack Altura. 14:14:09
13 I'll object to that testimony by counsel. 14:14:10
14 MR. HURRELL: Yeah. Is there a question, 14:14:13
15 John? 14:14:14
16 MR. SWEENEY: Yeah. 14:14:14
17 BY MR. SWEENEY: 14:14:14
18 Q. The question is: You went to that area to 14:14:15
19 search for a suspect to the shooting. Correct? 14:14:19
20 A. Yes, sir. 14:14:25
21 Q. Okay. All right. And so you had heard 14:14:26
22 that gunshots were involved. Correct? 14:14:30
23 A. Yes, sir. 14:14:36
24 Q. And your -- that heightened your anxiety, 14:14:38
25 didn't it? 14:14:43

1 suspect in the shooting. Correct? 14:41:38

2 MR. HURRELL: This is Tom Hurrell. 14:41:49

3 I'm sorry, John, I don't understand your 14:41:51

4 question. 14:41:53

5 MR. SWEENEY: I'm sorry, I didn't hear 14:41:54

6 you, Tom. 14:41:55

7 MR. HURRELL: I don't understand your 14:41:57

8 question. 14:41:58

9 BY MR. SWEENEY: 14:42:00

10 Q. The question is -- I mean, that may have, 14:42:00

11 as you say, been legal -- your legal reason for 14:42:03

12 getting out of the car, but your real reason -- 14:42:07

13 your legal reason to establish PC, probable 14:42:13

14 cause -- but the real reason you were there is 14:42:16

15 because you were looking for the suspects in this 14:42:18

16 shooting. Correct? 14:42:21

17 A. Yes -- yes, sir, but I wasn't going to 14:42:26

18 make a suspect happen if it's not there. 14:42:28

19 You know, I'm there, patrolling the 14:42:31

20 neighborhood of Compton that -- which is what I 14:42:32

21 did, and I just happened to stumble upon them. 14:42:35

22 Q. Yeah, but, I mean -- yes, really, if 14:42:38

23 you're -- if you're in an anxious state, there had 14:42:41

24 been a shooting, you're trying to solve it, which a 14:42:47

25 good police officer does, you're not going to 14:42:50

1 A. Yes, sir. 14:58:21

2 Q. Was he walking at that point, Mr. Lockett? 14:58:22

3 A. There began -- the males began to 14:58:27

4 disassociate themselves from one another, and -- 14:58:29

5 yes. And then he, Mr. Lockett, started basically 14:58:35

6 walking away from the other male and away from 14:58:38

7 Deputy Aldama. 14:58:44

8 Q. Okay. What happened next? 14:58:47

9 A. Mr. Lockett turned around east and then 14:58:55

10 took off running, pulled out a weapon from his 14:58:58

11 waistband. 14:59:03

12 And then after that, he left northbound on 14:59:03

13 Tajauta toward Rosecrans. 14:59:08

14 Q. You said he took off running, and he 14:59:11

15 pulled a gun out of his waistband. Correct? 14:59:13

16 A. Correct, sir. 14:59:17

17 Q. So his back was to you when he pulled out 14:59:17

18 this gun. Correct? 14:59:20

19 A. Yes, sir. 14:59:21

20 Q. Now, did you actually see the gun, sir? 14:59:36

21 A. Yes, sir. 14:59:39

22 Q. As a matter of fact, in the stop and chase 14:59:43

23 of Dante Taylor, which you are familiar with, you 14:59:51

24 said that he had a gun. Same thing. Correct? 14:59:56

25 A. Correct, sir. 15:00:00

1 A. I don't remember if I did it or not, but a 15:35:12
2 containment was set. 15:35:15
3 I remember walking the path. I remember 15:35:18
4 us calling the gun dog so he could come and sniff 15:35:23
5 the path of Mr. Lockett. 15:35:27
6 That's -- that's all I recall at this 15:35:35
7 time. 15:35:37
8 (Reporter requested clarification.) 15:35:49
9 BY MR. SWEENEY: 15:35:49
10 Q. The gun dog never alerted along the path, 15:35:50
11 did he? 15:35:54
12 A. I don't recall his findings. 15:35:55
13 Q. You never found a gun, did you? 15:35:59
14 A. No, sir. 15:36:01
15 Q. No one in the sheriff department found a 15:36:02
16 gun, did they? 15:36:07
17 A. No, sir. 15:36:08
18 MR. SWEENEY: Let's -- at this point, 15:36:14
19 Mr. Glickman, can we play the broadcast? 15:36:16
20 Q. And before -- while he's cueing that up, 15:36:21
21 who was it who made the 417 call? 15:36:24
22 Was that you? 15:36:27
23 A. I don't recall, sir. 15:36:30
24 Q. Well, we're going to play a tape for you. 15:36:31
25 MR. GLICKMAN: So just for the record, 15:36:37

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1 MR. HURRELL: You misspoke, John. 16:55:13

2 THE WITNESS: You said "throughout the 16:55:15

3 arrest." 16:55:16

4 BY MR. SWEENEY: 16:55:17

5 Q. I'm sorry. Throughout the investigation. 16:55:18

6 A. I believe that that's a question that you 16:55:20

7 need to ask Aldama because I'm not sure -- to me, 16:55:21

8 "throughout the investigation" can be from point -- 16:55:24

9 from the time the suspect gets -- you know, you 16:55:27

10 have contact with the suspect to the time that the 16:55:31

11 detective -- you know, the case gets turned over to 16:55:35

12 detectives, you know. 16:55:38

13 So I -- it could be anywhere from five 16:55:40

14 minutes to a full month of -- 16:55:42

15 Q. Okay. So at the time -- you said the 16:55:44

16 starting point theoretically he could be talking 16:55:47

17 about is from the time of the contact. 16:55:51

18 At the time of the contact, did you feel 16:55:54

19 that he fit the suspect of the shooting's 16:55:58

20 description? 16:56:01

21 A. Yes, sir. 16:56:03

22 Q. Thank you. All right. 16:56:05

23 You had limited information that we just 16:56:14

24 heard an hour or so ago that was broadcast over the 16:56:17

25 dispatch; that is, black, male, blue beanie, silver 16:56:21

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1 Pontiac. 16:56:33

2 What in those -- in that description fit 16:56:38

3 the suspect, or fit Mr. Lockett? 16:56:43

4 A. Well, sir, I think that you're forgetting 16:56:49

5 our initial contact was not over anything related 16:56:53

6 to the 245, you know, other than that's the reason 16:56:56

7 why we were in that area, you know. 16:57:01

8 And "throughout the investigation," 16:57:07

9 meaning okay, now we arrested the guy that we saw 16:57:08

10 holding a gun, we have him detained, and then 16:57:12

11 the -- the victim gets brought, and then she 16:57:18

12 positively identifies Mr. Lockett as the suspect of 16:57:21

13 the shooting, that's -- you know, that's the 16:57:26

14 totality of that, of his arrest. That is the 16:57:30

15 reason why we arrested him. 16:57:34

16 Q. Thank you. 16:57:37

17 MR. SWEENEY: If we go on to your actual 16:57:40

18 report -- can we go to page 1 of 2 of Mr. Orrego's 16:57:43

19 report; put it up there? 16:57:48

20 MR. GLICKMAN: I'm looking at it, but you 16:58:00

21 guys don't see it. 16:58:01

22 MR. SWEENEY: What's that? 16:58:03

23 MR. GLICKMAN: I was looking at it, but I 16:58:05

24 didn't have it on screen share. 16:58:07

25 //

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SHELDON LOCKETT; MICHELLE)
DAVIS; AND CLYDE DAVIS,)

PLAINTIFFS,)

VS.)

COUNTY OF LOS ANGELES, A)

PUBLIC ENTITY; LOS ANGELES)

COUNTY SHERIFF'S DEPARTMENT, A)

LAW ENFORCEMENT AGENCY;)

SHERIFF JIM MCDONNELL; MIZRAIN)

ORREGO, A DEPUTY LOS ANGELES)

COUNTY SHERIFF; AND DOES 1)

THROUGH 100, INCLUSIVE,)

DEFENDANTS.)

PORTIONS OF THIS TRANSCRIPT ARE CONFIDENTIAL

REMOTE VIDEOTAPED VIDEOCONFERENCED DEPOSITION OF

MIZRAIN ORREGO

FRIDAY, MAY 22, 2020

VOLUME II

JOB NO. 4116350-1

REPORTED BY: TAMARA L. CARLSON

CSR NO. 12555

PAGES 237 - 293

PAGES 277 - 289 ARE CONFIDENTIAL AND ARE BOUND SEPARATELY

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1 BY MR. SWEENEY: 10:59

2 Q. Tell me -- go through the checklist. You
3 had started it and you stopped. Go through the
4 checklist.

5 A. I'm extremely confused by your question 11:00

6 because the -- I didn't know I had the suspect. The
7 reason why we initiated contact with him was for
8 other reasons and based on the totality of the case.

9 I don't know how long the case -- the case took or
10 how we determined that he was possibly involved in 11:00
11 this crime. I just don't recall, sir.

12 Q. That's your answer?

13 A. Yes, sir.

14 Q. Final answer?

15 MR. HURRELL: That's his answer. 11:00

16 MR. SWEENEY: Okay.

17 BY MR. SWEENEY:

18 Q. Okay. Were you ever contacted by anyone

19 within the Sheriff's Department about your

20 involvement in a group of tattooed deputies at the 11:01

21 Compton Station?

22 MR. HURRELL: John, I'm going to object

23 because that assumes a fact not established that he

24 is involved or was involved.

25 MR. SWEENEY: Okay. That's fine. 11:01

1 MR. ALTURA: I'll join that objection, and 11:01
2 I'll just also object that it assumes that there is
3 a group of tattooed deputies at the Compton Station.
4 BY MR. SWEENEY:
5 Q. You may answer. 11:02
6 A. No, I was never contacted by the
7 Department.
8 Q. You were never contacted by the Department;
9 is that correct?
10 A. Yes. 11:02
11 Q. Were you ever contacted by the Department
12 to be asked about your partner Aldama's involvement
13 in such a group?
14 MR. ALTURA: Objection. That assumes facts
15 and lacks foundation. 11:02
16 MR. HURRELL: You can answer.
17 THE WITNESS: I was never contacted.
18 BY MR. SWEENEY:
19 Q. You were never contacted by Captain
20 Thatcher asking you questions about a group of 11:02
21 tattooed deputies?
22 A. I was never contacted by anyone in the
23 Sheriff's Department.
24 Q. Were you ever contacted by anyone in the
25 Sheriff's Department questioning you about your 11:03

1 spike in arrests of African Americans in the year 11:03
2 2017?

3 MR. HURRELL: I'm going to object it's
4 asking a fact not established. But he can answer,
5 was he ever contacted regarding arrests of African 11:03
6 Americans.

7 MR. ALTURA: I'll join.

8 BY MR. SWEENEY:

9 Q. You can answer.

10 A. No. 11:03

11 MR. SWEENEY: Can you, Mr. Glickman, put up
12 the exhibit of captain Thatcher's memo.

13 MR. GLICKMAN: Yeah, just give me a second.

14 Just give me a second.

15 BY MR. SWEENEY: 11:04

16 Q. While he's looking for that, Mr. Orrego,
17 were you ever contacted by the Sheriff's Department
18 Internal Affairs Bureau about the issue of a
19 tattooed group?

20 A. No, sir. 11:05

21 Q. Do you know anyone who was contacted, if
22 you have personal knowledge that they were
23 contacted?

24 A. No, sir.

25 Q. Were you told by your former partner, 11:05

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1 MR. SWEENEY: I'm not going to tell you. 11:24

2 MR. ALTURA: Okay.

3 BY MR. SWEENEY:

4 Q. One final question, I just want to clear up
5 the record. Did you at any time on January 15, 11:24
6 2016, see a blue beanie that was associated with
7 Sheldon Lockett?

8 A. I don't recall, sir.

9 Q. Well, you didn't put in your report that
10 there was a beanie associated with Mr. Lockett, did 11:25
11 you?

12 A. If I could refer to my report, I would be
13 able to answer that question.

14 Q. You can refer to your report.

15 A. No, sir. 11:26

16 MR. SWEENEY: Thank you.

17 I have no further questions.

18 MR. ALTURA: This is Jack Altura for the
19 County. I have a few very, very brief questions for
20 you, Mr. Orrego. 11:26

21 I just want to confirm that we're still --
22 that this portion is still being designated
23 confidential, Madam Court Reporter?

24 THE REPORTER: Yes.

25 ///

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1 EXAMINATION 11:26

2 BY MR. ALTURA:

3 Q. Mr. Orrego, were you aware that

4 Deputy Aldama was diagnosed with an illness in 2018?

5 A. Yes, sir. 11:27

6 Q. And do you know what that illness was?

7 A. Yes, sir.

8 MR. PONGRACZ: Objection. Third party

9 privacy.

10 Go ahead. 11:27

11 (The reporter requested clarification.)

12 MR. PONGRACZ: Andrew Pongracz for

13 Deputy Aldama, whose privacy and private medical

14 conditions we're discussing.

15 BY MR. ALTURA: 11:27

16 Q. And I don't want you to get into the

17 specifics, but very broadly can you tell us what

18 that illness is?

19 MR. PONGRACZ: Objection. Third party

20 privacy and medical privacy. HIPAA. 11:27

21 Go ahead.

22 THE WITNESS: Cancer.

23 BY MR. ALTURA:

24 Q. In your mind was that diagnosis of --

25 diagnosis of cancer a serious illness? 11:27

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1 A. Very serious. 11:27

2 Q. And when did you find out that Mr. --

3 excuse me, that Deputy Aldama had this diagnosis?

4 A. I believe it was -- I'm sorry, summertime

5 of 2018, sir. 11:28

6 Q. So summertime, does that mean June, July,

7 or August of 2017?

8 A. Yes, sir.

9 Q. All right. You --

10 MR. HURRELL: 2018. 11:28

11 MR. ALTURA: Thank you, Mr. Hurrell.

12 BY MR. ALTURA:

13 Q. So that would be -- just to correct the

14 record, Mr. Orrego, it would be June, July, or

15 August of 2018? 11:28

16 A. Yes, sir, I believe so.

17 Q. And can you narrow that down any further to

18 one or two months?

19 A. I don't remember the exact months.

20 Q. I understand, sir. 11:28

21 How did you found -- how did you find out

22 about Mr. -- excuse me, Deputy Aldama's illness?

23 A. I don't recall. He may have called me or

24 we may have found out through his family.

25 Q. And did your getting the tattoo on your 11:29

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1 calf have anything to do with the fact that Deputy 11:29

2 Aldama was diagnosed with this serious illness?

3 A. 100 percent.

4 Q. And can you explain in what way that

5 diagnosis affected you -- your getting the tattoo? 11:29

6 A. Well, sir, we both gave our life, you know,

7 for -- to serve the community in Compton; and,

8 you know, I was no longer part of doing what I love

9 to do. You know, I was like jobless at home and my

10 partner was going through a very hard time, and I 11:29

11 believed that there was a possibility that he was

12 not going to make it anymore, so I wanted to have

13 something that I shared with him, and that was it,

14 sir.

15 Q. How long were you Deputy Aldama's partner 11:29

16 for?

17 A. I have known Deputy Aldama for a long time,

18 but partners in the same patrol vehicle, I'll say

19 approximately two years.

20 Q. And how long did you know Deputy Aldama 11:30

21 before that, as a deputy?

22 A. About ten years, sir.

23 (The nonconfidential portion of this

24 deposition continues on page 290.)

25

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